

PROB 12C  
(6/16)

Report Date: January 14, 2019

**United States District Court**

for the

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 14 2019

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Eric Lynn Heartburg

Case Number: 0980 2:04CR00061-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 14, 2004

Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113(a) and (d); Use of a Firearm During a Crime of Violence, 18 U.S.C. § 924(c)

Original Sentence: Prison - 120 months  
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence  
(August 13, 2018) Prison - 20 days  
TSR - 34 months

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: August 27, 2018

Defense Attorney: J. Houston Goddard

Date Supervision Expires: June 26, 2021

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**PETITIONING THE COURT**

To issue a **summons** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/31/2018.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Special Condition # 9:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Heartburg is alleged to have violated special condition number 9 by using methamphetamine on January 4, 2019.

On January 4, 2019, Mr. Heartburg submitted to a random urinalysis test. The urine sample had initial positive findings of methamphetamine. The urine sample was sent to Alere Toxicology for further testing. On January 11, 2019, the lab results were received confirming a positive result for methamphetamine.

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On August 27, 2018, Mr. Heartburg's conditions of supervision were reviewed with him, relative to case number 2:04CR00061-WFN-1. He signed his judgment, acknowledging an understanding of his conditions, to include special condition number 9, prohibiting him from using illegal controlled substances.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/14/2019


s/Corey M. McCain

Corey M. McCain  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

  
Signature of Judicial Officer

1/14/19  
Date